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7 1168 Aspen Cliff

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 SELENE FINANCE, L.P.,

11 Plaintiff,

12 vs.

13 SATICOY BAY LLC SERIES 1168 ASPEN  
14 CLIFF; WESTON HILLS HOMEOWNERS'  
ASSOCIATION,

15 Defendants.

CASE NO.: 2:16-cv-02618-JAD-NJK

**STIPULATION TO  
WITHDRAW SUMMARY  
JUDGMENT MOTION (ECF 37)**

ECF Nos. 37, 38

16 SATICOY BAY LLC SERIES 1168 ASPEN  
17 CLIFF,

18 Counterclaimant,

19 v.

20 SELENE FINANCE, L.P.,

21 Counterdefendant.

22 Defendant Saticoy Bay LLC Series 1168 Aspen Cliff, by and through its attorney, Michael F.  
23 Bohn, Esq., and plaintiff Selene Finance, L.P., by and through it's attorney Tenesa Powell, Esq. stipulate  
24 and agree as follows:

25 1. The motion for summary judgment filed by defendant Saticoy Bay as ECF 37 may be  
26 withdrawn; and  
27  
28

2. Saticoy Bay shall have until January 4, 2019 to file an amended summary judgment motion.

The parties represent that the defendants summary judgment motion is being withdrawn because of representations made in the motion regarding the plaintiffs responses to the defendants written discovery requests. Written discovery was served on the plaintiff on February 8, 2017. This case was stayed by order entered on February 27, 2017 (ECF 23). An order lifting the stay was entered on September 24, 2018 (ECF 29).

Counsel for the plaintiff did not respond to the written discovery, however, counsel for the defendant never made a request for discovery responses after the stay was lifted.

After discussion between counsel for Selene Finance and Saticoy Bay, it was determined that it would not be fair to base part of Saticoy Bay's motion for summary judgment based on discovery which was not responded to when counsel for Saticoy Bay did not request responses after the stay was lifted.

DATED this 28<sup>th</sup> day of December, 2018

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MICHAEL F. BOHN, ESQ., LTD.

AKERMAN LLP

By: /S/ Michael F. Bohn, Esq./  
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Attorney for defendant Saticoy Bay

By: /S/ / Tenesa Powell, Esq./  
 Tenesa Powell, Esq.  
 1635 Village Center Circle, Suite 200  
 Las Vegas, NV 89134  
 Attorney for plaintiff Selene Finance

IT IS SO ORDERED this 2nd day of January, 2019.

U.S. DISTRICT COURT JUDGE

Respectfully submitted by:

LAW OFFICES OF  
MICHAEL F. BOHN, ESQ., LTD.

By: /S/ Michael F. Bohn, Esq./  
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